UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.298
19 June 1996

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD OF THE 298th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 May 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of China

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GE.96-16515 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of China (CRC/C/11/Add.7; CRC/C.12/WP.5; HRI/CORE/1/Add.21)

1. At the invitation of the Chairperson, Mr. WU Jianmin, Ms. WANG Fengla Mr. FU Guoliang, Ms. ZHANG Honghong, Mr. LIU Xinsheng, Ms. WANG Yuehua, Mr. LI Yong, Ms. ZHAI Xiaoyun, Mr. XUE Chunxi, Ms. LI Bing, Mr. REN Yisheng Mr. DU Zhenquan, Ms. DONG Zhihua, Mr. DING Qiwen and Ms. CAI Sheng (China) took places at the Committee table.

2. The CHAIRPERSON, after welcoming the Chinese delegation on behalf of Committee, invited the head of the delegation to introduce the initial repo of China (CRC/C/11/Add.7).

3. Mr. WU Jianmin (China) thanked the Chairperson for her words of welco and expressed the hope that there would be a fruitful and constructive dialogue between the members of the Committee and the members of the Chines delegation, on which not only many ministries and public bodies but also non-governmental organizations (NGOs) were represented.

4. China had taken an active part in drafting the Convention on the Rig of the Child, which it had ratified on 29 December 1991 and which it had b implementing conscientiously since the Convention's entry into force on 1 April 1992.

5. More than 20 ministries, public bodies and NGOs had spent two years preparing the initial report of China in strict accordance with the Committee's guidelines, with the help of valuable assistance from the UNIC China Office.

6. In April 1996, the information office of the State Council of China issued a White Paper on the situation of children in China, which had been widely reported in the media. An English version of the White Paper, whic dealt with the rights of the child, particularly in the areas of health an education, had been distributed to the members of the Committee.

7. The Chinese legislature attached great importance to the protection children, as shown, in particular, by the laws on marriage, compulsory education, the protection of disabled persons, the protection of minors, maternal and infant health care, the prevention of infectious diseases and adoption. A large number of administrative measures had also been taken t promote the rights of the child. For example, the State Council had set up the Committee on Women and Children; which was responsible for the coordination of women's and children's affairs at the national level. At the local level, similar bodies had been set up to protect the rights and interests of the child.

8. On 16 February 1992, the State Council had approved the Programme Ou for the development of China's children in the 1990s, whose aims included reduction by a third in the mortality rates of infants and children under

the year 2000, and which had inspired local authorities to set up their own child development programmes, which had already recorded remarkable progress.

9. On the question of children in conflict with the law, China put the emphasis on education, help and reform. Public security bodies and the courts took full account of the physical and psychological characteristics of juvenile delinquents and respected their personality and dignity.

10. It was an arduous task for a developing country with a population of 1.2 billion people to guarantee the health and happiness of its 300 million children. That was why the State did all in its power to improve the situation of children. According to The State of the World's Children 1996 report by UNICEF, China compared well with most developing countries in terms of, for example, mortality rates, nutrition, health care and education. Of course, there was still room for improvement. For example, it was acknowledged that some children in certain regions were not receiving schooling, children were still occasionally being sold or abducted and some parents abandoned their girl children. Those practices could be explained by poverty (65 million people were still living below the poverty line) and by the persistence of feudal and backward thinking. Nevertheless, the Chinese Government believed that economic and social progress would allow those bad practices to be gradually remedied.

11. In conclusion, he paid tribute to the Committee for its work on behalf of children, and repeated the Chinese Government's commitment to the promotion and protection of the human rights set forth in the international instruments.

12. The CHAIRPERSON thanked the head of the Chinese delegation for his statement and invited the delegation to reply to the Committee's questions on general measures of implementation of the Convention contained in document CRC/C.12/WP.5.

13. Mr. WU Jianmin (China) pointed out that the Chinese Government had sent the Committee a document in Chinese several weeks earlier, containing detailed responses to all the Committee's questions in the list of issues to be taken up. To save time, he would therefore restrict himself to summarizing those answers.

14. With respect to question 1, he cited the following declaration made by China upon ratifying the Convention: "The People's Republic of China shall fulfil its obligations provided by article 6 of the Convention to the extent that the Convention is consistent with the provisions of article 25 concerning family planning of the Constitution of the People's Republic of China and with the provisions of article 2 of the Law of Minor Children of the People's Republic of China" (see doc. CRC/C/2/Rev.4, p. 14). He said that the declaration had been dictated by the economic and social situation in China and that steps would be taken in due course to adjust it.

15. In relation to question 2, on the implementation of the Convention by the courts, he drew attention to the fact that the provisions of Chinese legislation on the administration of juvenile justice were fully consistent with the relevant provisions of the Convention and that there was therefore no need to invoke the specific provisions of the Convention in the courts.

16. The State Council Committee on Women and Children (question 3) was an advisory body responsible for coordinating and intensifying the action to benefit women and children taken by the relevant government services, as well as by similar bodies set up by provinces, autonomous regions and municipalities directly responsible to the central authority (see paras. 9-1 of the report). That Committee saw to the judicious allocation of tasks to the various relevant departments and bodies, established priorities, encouraged the exchange of experience and information, and issued regular reports on its activities.

17. He stated that NGOs were known in China as mass, civic or social organizations, and they cooperated closely with the Government. For example the Committee on Women and Children, which came under the State Council, was made up of representatives of 16 Government departments and various NGOs, including the All-China Youth Federation, the All-China Women's Federation a the Scientific and Technological Association of China. The main organizatio of that kind taking care of the welfare of children were the Commission for the Social Welfare of Children, the Chinese Association for Social Welfare (which had distributed 100 million yuan during the previous 2 years, mainly associations for orphans or disabled children), the Chinese Association of Social Workers and the Chinese branch of SOS Children's Villages. Finally, the Chinese Organization for Social Welfare dealt with maternal and child health and had set up various leisure activities.

18. In reply to question 5, on the possible establishment of a national institution such as an ombudsperson for children, he stressed that China ha set up the Committee on Women and Children under the State Council for that very purpose.

19. In reply to question 6, concerning measures taken to implement article 4 of the Convention, he said that the local authorities in both the underdeveloped and developed regions were implementing social welfare plans and that expenditure on social services was linked to the average standard living of the local population. The social welfare credits allocated by lo authorities had increased by 56.6 per cent in 1993, 31.4 per cent in 1994 a the 27.4 per cent in 1995. The local authorities were thus able to provide for the basic needs of children in the care of institutions and social services. Furthermore, private individuals supplied the social services wi clothes, medicines and toys for children.

20. In answer to question 7, on the availability of the Convention in minority languages, he said that the Convention had not yet been translated into those languages. However, legislation on the protection of children a women and laws which reflected the spirit of the Convention, particularly those concerning the protection of minors and women, had been translated in Mongolian, Tibetan, Kazakh and Korean.

21. With respect to question 8, on measures being taken to introduce the Convention to local and central government officials amongst others, he sa that future officials received appropriate training to ensure that they respected and protected the interests of citizens, including children, in carrying out their duties. Thus, after China's ratification of the Convention, the Ministry of Justice had organized a seminar and a one-mont

training course for police officers assigned to rehabilitation centres for juveniles, so that the latter would be informed about the provisions of the Convention. Furthermore, the Supreme People's Court had organized two training courses, in August 1992 and May 1993, for 200 judges from various law courts; the judges, from 30 provinces, municipalities and autonomous regions, had studied the principles and provisions of the Convention in the light of legislation on the protection of minors.

22. With respect to question 9, on the extent to which the national news media had been used to publicize China's initial report, particularly in remote areas of the country, he said that the report had been distributed to the State bodies responsible for the protection of the rights of the child and to organizations working in the areas of health, education and the protection of women and children. On Universal Children's Day at the beginning of 1995, after the report had been submitted, national radio had broadcast a special programme on the protection of children and had introduced the Convention and the legislation concerning children to its listeners. Also, a White Paper on the implementation of the Convention had been issued and made available to the members of the Committee.

23. The CHAIRPERSON thanked the head of the Chinese delegation for his statement, which revealed the means adopted by the Government to implement the Convention despite the difficult situation of children in certain regions and despite various harmful traditional practices. She invited members of the Committee to put further questions to the delegation.

24. Mrs. BADRAN requested more details on the mechanisms set up in China to follow up and coordinate the implementation of the Convention. She asked for further information on the administrative rank of the head of the Committee on Women and Children and on the composition of the membership of the Committee. She wished to know how the Committee ensured that its decisions were respected. She also inquired about the Committee's procedure for giving financial aid to the various public departments which implemented its recommendations, and asked what were its priorities for action. To what extent did NGOs participate in the work of the Committee, and on what criteria was their participation based?

25. She had been to China on several occasions and had been able to make contact there with the Women's Federation of China, which was not really a NGO in her eyes, but rather a quango. She asked if that was true of other supposed NGOs. She also wished to know how, and to which bodies, the funds collected by those organizations, notably by way of lotteries, were distributed.

26. Mrs. KARP welcomed the considerable progress made by the Chinese Government in the protection of children and the defence of their rights. However, with respect to the reservation China had expressed concerning the Convention, she requested clarification on the nature of the provisions of article 2 of the Protection of Minors Act, pointing out that article 6 of the Convention was open to a broad interpretation. At all events, she hoped that the reservation was not intended to allow the Chinese Government to implement policies which would be harmful for children, in the context of birth-control

measures. The fate of unplanned children would then be at stake. She welcomed the Government's willingness to make the appropriate changes to that reservation, and she asked for further information on those changes.

27. In relation to question 2, she asked how the Supreme People's Court was able to remain independent in its judgements on politically sensitive matters when it was responsible to the State Council, itself a political body. She also wished to know whether individuals and children, whatever their age, could apply directly to the Court to seek redress for violations of their rights.

28. In relation to question 6, concerning the provision of social services amongst other things, she wished to know if there was a mechanism or legal provision to oblige local authorities to take all necessary measures, particularly those of a budgetary nature, in order to implement article 4 of the Convention. She also asked if there was a mechanism to ensure the equitable distribution of resources allocated by the local authorities so as to help children who came under different authorities, and what the national Government could do to avoid disparities.

29. Mrs. SANTOS PAIS, while noting that China's report gave a very detailed description of the situation in terms of the legislation, said she thought more precise information could be supplied on specific cases of the implementation of the legislation. She noted the progress which had been achieved, particularly with regard to children's immunization, the establishment of coordinating and monitoring mechanisms for the rights of the child and the preparation of a national programme of action, but she found, a did the authors of the report themselves, that some negative points remained. In that respect, she referred to those parts of the report that mentioned the persistence of harmful traditions and beliefs which sometimes led parents to abandon, not to say murder, girl children (para. 102), to bring their childre up badly (para. 106), or even not to send their children, especially girls, t school.

30. In the light of the delegation's statement that there was no need to invoke the Convention in the courts since domestic legislation was fully in conformity with the provisions of the Convention, she asked why the reservation expressed by the Chinese Government could not be dropped. In any event, it would be interesting to know how long the Chinese authorities intended to retain that reservation. She also asked if the Chinese authorities had made a detailed assessment of the full impact of the Convention on domestic legislation. For example, had they ensured the compatibility between the Convention and the texts issued at national and provincial levels and, particularly, at the local level, where it was especially difficult to monitor the implementation of the Convention? It would, after all, be easy to invoke the Convention in the courts, as it was stated in the core document (HRI/CORE/1/Add.21, para. 53) that in the event discrepancies between the Convention and domestic law the Convention would take precedence.

31. It was repeated several times in China's report that the Constitution a the law recognized the rights of citizens in general. She asked if that mea that children who did not have Chinese citizenship, such as children who wer

stateless, refugees or asylum-seekers, did not enjoy the protection of the rights laid down in the Convention. Lastly, she requested details on the way in which funds for the priority areas mentioned in the report were distributed between the various levels of government, and on the steps taken to close the gap between towns and rural areas in matters of funding.

32. Miss MASON, returning to question 7 on the list of issues (CRC/C.12/WP.5), asked how long it would take to translate the Convention into the most important minority languages, particularly those mentioned in the report. It would also be interesting to know to what extent the action to disseminate the Convention among minorities, including the use of radio programmes mentioned by the delegation, was achieving its objective. It did in fact seem as though, despite the provisions of the Convention and domestic law, Chinese remained the obligatory language for communication, in both the education and the legislative systems.

33. She welcomed the training on the Convention given to representatives of the judicial system in China, and inquired what training was provided to people working with children in the social sector. In particular, she asked about the situation regarding the implementation of training programmes in rural areas, where the population was often totally unaware that it had any rights. Finally, she wished to know exactly what contribution the organizations representing children had made to the preparation of the report, as she was not convinced that they had really participated sufficiently.

34. Mrs. SARDENBERG asked for details on the methods used to ensure that priority was given to children, as required by the Convention, in the overall development policy of the country. She also inquired whether there was an administrative body to evaluate the impact on women and children, particularly in rural areas, of the far-reaching changes taking place in the country. Finally, she would like to know more about the duties and powers of the State Council, pointing out that paragraphs 8 and 9 of the report referred to two other bodies responsible for questions relating to women and children.

35. Mr. HAMMARBERG said he wished to express the Committee's appreciation for the remarkable progress made in China in reducing child mortality rates, combating malnutrition and providing schooling for children, even though the Committee would be focusing its attention on questions which still posed problems.

36. Mrs. EUFEMIO, noting that the national plan of action did not contain any provisions on the family, the civil rights and freedoms of children or children in difficulties, asked whether there were any plans to make improvements in it. She also wished to have details on the way in which coordination between central government and local authorities was organized in order to monitor the implementation of the Convention.

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

37. Mr. WU Jianmin (China), in reply to the questions on the State Council Committee, said that it was chaired by a member of the State Council, who ranked higher than a minister in the Chinese system. It would be wrong to think that the Committee had only an advisory role, when in fact it was a

deliberative coordinating body within the central Government. The State Council Committee had an extremely important role, and its decisions were carried through at provincial, county and municipal level by similar bodies.

38. Ms. WANG Fenglan (China) added that the members of the State Council Committee were drawn from 16 ministries, as well as from the chairmen or vice-chairmen of four NGOs.

39. Ms. ZHANG Honghong (China) explained that China had made a declaration, rather than a reservation in the strict sense of word, on article 6 of the Convention, and added that during the drafting of the Convention the Chinese Government had repeatedly stated that it was doing everything in its power to ensure that children enjoyed the right to life, development and happiness and that the health of the mother before childbirth was carefully monitored by the family planning services. China faced a problem of over-population which threatened to impede the economic and social development of the country. For that reason, measures had been taken to ensure both the welfare of Chinese citizens and respect for China's obligations as a State party to the Convention.

40. Ms. LI Bing (China) said that the people's courts were not appointed by the Government, but with the approval of Congress. They were therefore responsible to Congress, which monitored and controlled them, but were not subject in any way to control by administrative or social organs or individuals, as prescribed by the Organization of the People's Courts Act and the Code of Criminal Procedure.

41. Mr. WU Jianmin (China) emphasized that the judicial system was, quite rightly, accountable to the legislature, and not to the executive, as some members of the Committee seemed to think.

42. The CHAIRPERSON asked the Chinese delegation to reply to the question on the Programme Outline for the development of China's children, since at first sight China's written replies did not appear to refer to support for families or help for children in difficult circumstances. She also asked the delegation to answer the question on the procedures for disseminating information on the Convention, particularly in remote areas of the country.

43. Ms. CAI Sheng (China), in reply to the first of those questions, said that the Programme Outline for the development of China's children had been drawn up after the World Summit for Children and it took into account the conclusions of the Summit. The Programme Outline spelt out in detail the targets for the development of the child and the protection of children's rights and provided for the participation of parents and communities, whose involvement was vital to every aspect of the protection of children. The various media and some seminars, as well as some NGOs including the Federation of Chinese Women, had publicized the contents of the Programme Outline.

44. Mrs. SANTOS PAIS asked the Chinese delegation to specify which text from the Convention or from domestic law served as a reference, particularly for the courts and for those in charge of the training of magistrates. She wished to know whether a study had been carried out to compare the provisions of Chinese legislation with those of the Convention, whether any steps had been

taken to rectify discrepancies in the application of the law as between rural and urban areas and as between regions inhabited by the majority and those inhabited by minorities, and how the independence of the judicial system was guaranteed. On the latter point, she asked the delegation to indicate who nominated judges, what training they received, what objective criteria existed to guarantee that they were not subject to political influences, how it was ensured that they were able to make completely independent decisions on the legality of the incarceration of a young person, and what their position was in the social hierarchy.

45. Lastly, she asked whether a child who was not a Chinese citizen, such as an asylum-seeker, refugee or stateless child, enjoyed the same protection as other children.

46. Mr. HAMMARBERG said that in his opinion China's declaration on the implementation of article 6 of the Convention, to be found in document CRC/C/2/Rev.4, was actually a reservation, in form as well as in substance. The Chinese Government should therefore take steps in due course to "adjust" that declaration, as its present wording could lead to confusion as to the nature of China's family planning policy. Emphasizing that article 6 of the Convention did not concern abortion, he asked where the incompatibility arose between the Chinese family planning policy and the provisions of article 6.

47. There was still one point to be clarified with respect to the State Council Committee on Women and Children, and that was whether a body with responsibility for such important tasks could only be accountable to itself. It would seem better for it to be monitored by a body specially set up for that purpose.

48. Miss MASON said that the replies of the Chinese delegation had not alleviated her concerns on guarantees for the protection of the rights of minorities. She wished to know whether the Convention had been discussed among the communities living in the most remote areas of the country and among the most disadvantaged strata of society, and whether issues such as possible conflicts between certain principles laid down in the Convention and certain traditions had been tackled. She considered that to leave people in ignorance of their rights amounted to a form of repression.

49. Mr. LIU Xinsheng (China) pointed out that China had passed its legislation on children in 1992, after the date of ratification of the Convention. China had clearly drawn inspiration from the latter in drafting its laws in that area, and since then had been carrying out an ongoing comparison between the provisions it had passed and those of the Convention. China observed the principle of non-discrimination, which was explicitly stated in the Constitution and the law, and education was provided in at least 11 of the languages spoken by the largest minorities.

50. The Convention was disseminated at the same time as the country's laws, according to the five-year plans. The provisions on the protection of mother and child were given high priority, as were those in the Convention against Torture, which had been distributed to prison officers.

51. The CHAIRPERSON invited the Chinese delegation to reply to question 10 of the list of issues, on the definition of the child.

52. Mr. WU Jianmin (China) told the Committee that the State Council had prohibited child labour in April 1991, while specifying that authorization was needed from the relevant employment administration agency for the recruitment of artists, athletes or apprentices under the age of 16. The definition of artists, athletes and apprentices recruited in that way had to be approved by the appropriate agencies of the State Council, and all steps had to be taken to protect the mental and physical health of the children, as well as to ensure that they received the education to which they were entitled under the law.

53. Mrs. SANTOS PAIS said she wished to focus on the difference between the age of consent for boys, which was 22, and for girls, which was 20, despite the fact that the Committee did not usually deal with questions concerning people over the age of 18. She was surprised at the difference since, according to China's report and the delegation's oral statement, domestic legislation was in total conformity with the provisions of the Convention. She also noted the reference in the report to early marriages and the many unregistered marriages in poor regions. It seemed that the practice was at variance with the law, and that girls did not perhaps enjoy the same degree of protection as boys. She would like the Chinese delegation to clarify that point.

The meeting rose at 1 p.m.

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Distr.
GENERAL

CRC/C/SR.299
31 May 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD OF THE 299TH MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 May 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

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GE.96-16525 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of China (CRC/C/11/Add.7; CRC/C.12/WP.5; HRI/CORE/1/Add.21) (continued)

1. Ms. ZHANG Honghong (China) said, in reply to Ms. Santos Pais' oral question at the previous meeting, that the difference in the marriageable a for men and women - respectively 22 and 20 - did not in any sense imply discrimination against girls; it merely reflected Chinese tradition.

2. Mr. WU Jianmin (China), providing answers to questions on the list of issues (CRC/C.12/WP.5) drawn up by the Committee in connection with the consideration of his country's report, said that as to whether procedures h been established to monitor tendencies of discrimination against children, State Council Committee on Women and Children carried out regular inspecti of institutions and workplaces to check that the law was implemented. As t the question whether disaggregated statistical data were collected, he sai that such work was done by legislative bodies and non-governmental organizations; members of the State Council Committee also exchanged information. The task was complicated, however, by the country's size, th variation in numbers of children in different regions and the varying statistical methods in use. It was therefore difficult to obtain reliable disaggregated data.

3. With regard to the steps taken to prevent and eliminate discriminator attitudes, particularly towards girls and disabled children, he said that article 48 of the Constitution guaranteed the equality of men and women. Following China's accession to the Convention, a law had been introduced obliging parents to provide girls of school age with compulsory education. The law also contained measures to counter the practical difficulties face girls, including the article under which it was forbidden to drown, abando injure girl infants. Disabled children were covered by the Protection of Disabled Act. Successive five-year plans ensured that programmes for the disabled were implemented. Various programmes on national television and radio catered specifically for disabled people, but such programmes were a popular with the general public, which ensured the protection of disabled people, including children.

4. As well as the Spring Buds Scheme for girls who dropped out of school Project Hope, for drop-outs of either sex, the Government promoted the You Pioneers programme, under which children were encouraged to help disabled people, thus gaining an insight into and compassion for their disabilities. Children whose mental abilities were unimpaired received a normal educatio the expenses being borne by the State. Deaf and blind children had their special schools. Orphans received vocational training. Girls in orphanag received special attention: staff members showed them maternal affection taught them dancing, singing and hygiene. When conditions permitted, they were also taught professional skills to help them find employment.

5. Turning to the question regarding measures taken to combat discrimination against girls based on cultural practices, attitudes, prejudices or traditions persisting in rural areas, he reminded the Committee that China had a feudal history going back 2,000 years. It was incontrovertible that in rural areas the tendency to prefer boys to girls persisted. If parents had a son and a daughter they were likely to want the boy to go to school and the girl to stay and work at home. The Government took a pragmatic line, pursuing various policies to promote equality and encourage parents to educate their daughters. The problem should, however, be seen in perspective. In 1949 only 15 per cent of girls had attended primary school. By 1995 that proportion had risen to 99.2 per cent, only marginally smaller than the proportion of boys. Various measures were used to coax back the remaining 0.8 per cent. Parents might be given financial assistance to enable their daughters to go to school and, in those areas where children illegally entered the labour force, the mass media publicized the laws prohibiting the use of child labour. Enterprises were monitored by both the Government and ordinary citizens to make sure that children were not employed. The Spring Buds Scheme had also proved its worth: in 1994-1995 100,000 girls had been helped to return to school. Project Hope, too, had played its part in encouraging children from poor areas to continue with their schooling; some donations to the project were earmarked for girls. With the general rise in living standards in China, however, prejudices against girls were disappearing.

6. With regard to discrimination against children belonging to minorities, he said that all ethnic groups were equal before the law and the Government attached great importance to racial equality and autonomy for minorities, to ensure the prosperity of all. No suppression of ethnic groups existed, but behaviour aimed at or disuniting the nation was prohibited. Minorities were helped with economic and cultural programmes and, indeed, received preferential treatment in the provision of education under article 12 of the Compulsory Education Act. Autonomous regions were given financial assistance and boarding schools were provided when needed, for example for the children of nomadic herdsmen. China's 56 nationalities and ethnic groups - the biggest being the Han, accounting for some 93 per cent of the population - had coexisted for 5,000 years; they should continue to do so, for the sake of the unity of the nation.

7. With regard to the evaluation of the manner in which the principle of the "best interests of the child" had been taken into account in legal and administrative proceedings, he said that the State Council maintained a constant supervision of the situation. Its members exchanged information and it regularly assessed the progress of the Programme Outline for the development of China's children in the 1990s. On that basis it corrected mistakes and malpractices. It kept a particularly close eye on trials in juvenile courts. Supervision was also exercised by deputies of the National People's Congress as part of their work for the Government. Private citizens could write to the press about the work of the Government and if they encountered a violation of the law they could write to the judicial organs. Many such letters were received. Television also played an important role in bringing topics of popular concern to public attention. A recent programme had dealt with the possible dangers of the Internet, which, along with its

benefits, could introduce children to pornography and in some cases turn them to a life of crime. Control over magazines that might be harmful to children was also maintained.

8. With regard to reports concerning the controversy surrounding recognition of the Panchen Lama, he said that the Tenth Panchen Lama had passed away on 28 January 1989. Three days later, the State council had made a decision concerning the funeral and reincarnation of the Tenth Panchen Lama. He stressed that his Government respected the religious beliefs and sentiments of the broad masses of believers in Tibet.

9. Some media accused China of violating human rights in Tibet and some people believed that the Dalai Lama was a standard-bearer for human rights. They did not understand the history of Tibet when they accused China. Tibet had become part of Chinese territory in the thirteenth century. Before 1959, the Dalai Lama had preserved a system of serfdom which was even more cruel than that existing during the Middle Ages in Europe and the slavery system in the United States. Under the serfdom system, 95 per cent of Tibetans had been serfs and had been regarded by their masters as animals. In 1959, the Dalai Lama had launched a rebellion in Tibet because he had wanted to retain the system of serfdom. That rebellion had failed.

10. In 1959, the Chinese Government had carried out democratic reform in Tibet, which had resulted in the elimination of the serfdom system. One million serfs had become citizens of the People's Republic of China enjoying the guarantees afforded by China's Constitution and laws. The Dalai Lama had spread many rumours and lies about alleged Chinese persecution of Tibetans. Before 1959, the population of Tibet had been 1 million. At present, it was 2.3 million and life expectancy had increased from 35 years before 1959 to 66. The Chinese Government was a victim of lies and disinformation and the true situation in Tibet was rarely reported.

11. With regard to child health and nutrition, he said that China had adopted a three-tier system to provide health care and vaccinations for children. It had also launched a campaign to set up children's hospitals. At the end of 1995, there were nearly 2,000 infant hospitals in China. His Government attached great importance to improving conditions in children's hospitals. Furthermore, it had recognized the importance of breast-feeding and was seeking to popularize that method.

12. Cases involving the abandonment and/or the killing of girl children were rare in China. There might be individual cases of parents abandoning disabled children or a girl child for financial or other reasons, but it did not constitute a widespread problem. Chinese legislation strictly prohibited such practices and the courts would strictly apply the provisions of criminal law and the law on the protection of minors in such cases. From 1990 to 1995, as part of the second five-year plan to popularize the knowledge of law, the State had used the mass media to disseminate information concerning the protection and legitimate rights of children and women.

13. All children whether born in or out of wedlock were entitled to have their names registered. The parent of the baby or the guardian must apply for registration with the relevant authority.

14. With regard to the dissemination of information, he said that his Government had adopted a series of measures to ensure wide distribution of children's books and mass media programmes. Children's books were also published in various languages of minority ethnic groups to ensure that the need of children in those groups for knowledge and implementation would be fully met. Furthermore, the Government had authorized publishing houses to offer free books to deprived children.

15. His Government had been trying to organize children to take part in international exchanges and to broaden the channels of information. The State Education Commission organized children's essay competitions and children were asked to offer their own suggestions for dealing with world problems.

16. Respect for and protection of religious beliefs constituted a basic policy of the Chinese Government. Under article 36 of the Constitution, citizens of the People's Republic of China enjoyed freedom of religious belief. No State organ, social organization or individual could force citizens to practise a particular religion or discriminate between believers and non-believers. In Tibet, the Chinese Government's policy had always been to encourage freedom of religious belief. Following the peaceful liberation of Tibet, the various bodies there had implemented that policy which had been widely acclaimed by both believers and non-believers including the monastic community. Over the past decade, the central Government had earmarked funds to restore some religious monasteries in Tibet.

17. Mr. HAMMARBERG said it was clear that important laws had been enacted to protect the rights of the child in China, but the question was whether those laws were being fully implemented. It was important to evaluate how the principle of the best interests of the child was being put into practice. There was also a problem in a country as vast as China in ensuring that all children enjoyed the same rights. There was a possibility, for example, that children might suffer from discrimination in health care if they lived in a rural rather than an urban area. He noted that infant mortality was in some places five times higher than the lowest rate. Similarly, discrimination affecting members of minorities or those in remote areas could lead to widely differing standards of health. Even the attempt to provide education in the language of the minority, as in the case of Tibet, could disadvantage children when they were later required to pursue their studies in another language. He asked what measures China intended to take to rectify such discrepancies while respecting the integrity of minorities.

18. China had passed important legislation to address the problem of gender discrimination, but the distorted gender ratio was alarming, and had to be seen against a background of late abortions, the abandonment of infants and possible infanticide. More forceful efforts were required of the Government in implementing the law. In the same way, the trafficking and kidnapping of children and the arranging of marriages were illegal, but he wondered if the Government was doing enough to enforce the legislation. He would like to have more facts about the missing children, presumably girls, mentioned in paragraph 262 of the report to get a clearer idea of the scope of the problem. He sought clarification on the difference between birth registration and residential registration: were some children, especially girls, not being registered?

19. The report mentioned that only in the most serious cases of abducti kidnapping of children was a prosecution brought; he felt that such case should always be prosecuted.

20. China had made remarkable progress in the area of education, but ge differences in the number of drop-outs (75 per cent of whom were girls according to UNICEF figures) and in the number of 7 to 11 year olds not school (70 per cent of whom were girls) needed to be addressed. He aske there was discrimination against girls in schools of a more technical na where it appeared to be more difficult for girls to gain entry. In the of deep-seated traditional practices and values, concerted Government ac was needed.

21. Positive steps had been taken by the Chinese Government to protect rights of disabled children, but information from various other sources suggested that some disabled children were being abandoned as a result o prejudice in Chinese society, and the conditions in which some of those survived were found gave rise to concern. There were various possible explanations for the high death rate among abandoned children who arrive institutions; some were seriously ill, malnourished or suffering from congenital disabilities on arrival. However, other possible, preventabl causes could be the lack of resources for intensive medical care or simp daily medical treatment, including proper nutrition, or poor staff recru and training. Nevertheless, he welcomed the measures already taken by t Government, which included encouraging foreign adoption, raising funds t a lottery, financing minor surgery and training staff, in cooperation wi UNICEF.

22. He asked how the law on adoption could be changed to encourage peo adopt abandoned or disabled children. If, as at present, those willing adopt a child from an institution had to pay the cost of the child's tre in that institution, some potential adoptive parents would not be able t afford it.

23. The regulations on payment for surgical operations performed on ch living in child welfare institutes needed to be reviewed; as the institu had to pay those costs from their own limited budgets, decisions were no being taken on medical grounds alone.

24. He asked if any up-to-date statistics were available on the number children in institutions; the figure of 20,000 cited in the report seeme low for a country as large as China. It appeared that some children wer not in child welfare institutes, but in social welfare institutes, where mixed with adults, including mentally retarded adults; he did not think such a situation was in the best interests of children.

25. On the subject of Tibet, he asked for information on the whereabou situation of the Panchen Lama. Some people in Tibet felt that their rel freedom was not being respected. He asked if the Chinese Government wou accept a fact-finding visit from outsiders with a view to making constru suggestions on the problems in Tibet.

26. Mrs. SANTOS PAIS echoed the concerns expressed by Mr. Hammarberg on the fate of the Panchen Lama. She emphasized that the Convention was directed at the rights of the individual child, and thus applied also to that particular six-year-old child, whose best interests, fundamental rights and freedom from discrimination on the basis of religious belief it was intended to protect.

27. She suggested that the Government should use television to promote the Convention on the Rights of the Child and to help eradicate undesirable traditions. There was a discrepancy to be addressed between equality before the law and the lack of it in practice. For example, despite the Marriage Act, which itself discriminated between men and women, girls were still marrying and bearing children at an early age. Policies had to address reality, and if they were to do so, precise and comprehensive data were needed. Some specific examples of decisions taken by courts or details of complaints lodged by citizens on questions of the rights of the child would be appreciated. She asked if the constant use of the word "citizen" was of particular legal significance, and whether it had implications for issues such as registration or the administration of juvenile justice.

28. Mrs. BADRAN agreed with previous speakers that there was still discrimination against the girl child. What was needed was a comprehensive plan to classify data, review legislation and so on, as described in the Platform for Action of the Fourth World Conference on Women held in Beijing. All United Nations agencies had declared their readiness to help countries implement such measures.

29. On the question of the best interests of the child, she insisted that the child was the one who should decide what his or her own best interests were, not necessarily well-meaning adults who thought they knew better. However, children did need to be trained to participate in decisions which affected them.

30. She looked for progress in the treatment of handicapped children; generally speaking, a positive attitude to them was quite easily visible to a visitor to a country, in the form of wheelchair access to public buildings and so on.

31. Miss MASON, referring to paragraphs 19 and 285 of the report of China on the question of marriage, asked for details on the incidence of early marriage, especially among minority nationalities. The wealth of information on China in the media and supplied by non-governmental organizations indicated that the practices of marriage by purchase and exchange continued in parts of China and that in some minority communities about 80 per cent of marriages were unregistered and therefore not covered by the Marriage Act. What was the legal status of those marriages and of the children born of them? What measures did the Government intend to take, for example, through education, to prevent such "illegal" marriages? The same sources expressed constant concern at the policy of one child per family and reports that women were terminating their pregnancy if the unborn child was found to be female. Were those reports true and, if so, what was being done to prevent such discrimination against women and the girl child?

32. Finally, she asked whether children in China had access to the international media or foreign cultures, in accordance with article 29 (c) the Convention, and how children could institute legal proceedings against their family or institutions if they felt they had a grievance.

33. Mrs. KARP said that the Convention's advocacy of the right of childr participate in all aspects of society and express their views demanded not just that children should be trained to act in such a way, but that adults professionals working with children should be trained to develop participa attitudes in children.

34. It had been stated that there was no interference in the freedom of belief as such and that only religious practice was restricted. How could that approach be seen as consistent with the principle of the freedom of religion as a whole, in so far as religious practice was an intrinsic part many religions, as in Tibet for example?

35. She asked how the principle of non-discrimination provided for in Ch legislation translated into practice given the clear disparity between hea and education services in rural and urban areas.

36. Had the Government taken any steps to introduce obligatory and independent investigations of cases of children who died while in institutional care? Finally, had it also considered allocating additional budgetary resources to areas where indicators of progress in education and health were low?

37. Mrs. EUFEMIO said that although it had been stated that children born of wedlock were treated no differently from other children in the eyes of law, it was not clear what information about them was registered after bir or whether they suffered discrimination in society at large. Clarificatio was also needed as to why children were often not registered, and whether there were enough registration centres.

38. She also asked for further details on adoption, the right of the chil know his or her origins, the age at which the child could seek information the biological parents, and whether he or she could change the name given adoption. The report stated that children were protected by law. However that did not explain how children's treatment could be monitored within th family.

The meeting was suspended at 5.25 p.m. and resumed at 5.40 p.m.

39. Mr. WU Jianmin (China) referring to the question of the boy appointed the Dalai Lama as the reincarnation of the Panchen Lama, said that in May 1995, a statement had been issued declaring that the Dalai Lama had violated traditional practice by appointing the boy abroad. Since separat were seeking to kidnap the boy, the parents had become fearful for his saf and requested Government protection, which had been provided. The boy was living with his parents in good conditions.

40. Mr. LIU Xinsheng (China), replying to the questions on marriage, said that the two-year difference in the minimum legal marriageable age for men

women was not seen as discrimination in China. It was based on cultural factors and on the fact that girls matured at an earlier age. With regard to common-law marriages, provided couples met certain conditions, regarding age and income for example, they were afforded the same protection under the law as couples who were legally married. In the case of disputes in a common-law marriage which had produced children, the best interests of the child would be considered. Early marriages did take place in some remote areas of China, usually minority regions. There were also areas which had local regulations on marriage, although central Government tried to persuade young people to marry at the legal age laid down in the Marriage Act.

41. Following the Fourth World Conference on Women, a programme for women's development had been adopted in China and made provision for the protection of the children's rights and for their health and education.

42. Under the Adoption Act certain conditions had to be met by persons wishing to adopt a child, including a minimum age of 35 and an acceptable standard of living. Under article 8 of the Act, the usual requirements could be waived in the case of the adoption of orphans or abandoned or disabled children. Special regulations governed intercountry adoption to safeguard the interests of the child.

43. Ms. WANG Fenglan (China) said that China advocated the use of modern contraceptive methods so that abortions could be avoided. However, in cases where contraception had failed, women had the right to have the pregnancy terminated if they so desired. Abortions were voluntary and carried out in conditions that guaranteed the absolute safety of the health of the woman. Abortions on the grounds of the sex of the unborn child were prohibited under article 37 of the Mother and Infant Health Protection Act. Disciplinary measures, including the withdrawal of medical licences, were taken against doctors found guilty of performing such abortions.

44. Ms. ZHANG Honghong (China) said that the law required the registration of all citizens of the People's Republic of China, including illegitimate children. Within one month of the birth of a child, the head of the household, the guardian or a relative or neighbour had to apply for registration to the authorities responsible for their area, usually at local police stations. Some parents, however, did not fully understand government policy on registration and therefore failed to comply with the legal requirements. In those cases, neighbours could inform the authorities and the defaulting parents would be encouraged to register their child. In reply to the question on the naming of illegitimate children, she said that the name was chosen by the mother. When the child was registered, his or her first name, family name, place of birth and mother's name were recorded.

45. Mr. WU Jianmin (China), referring to the question on the imbalance between the numbers of male and female births in China, said that research had shown that the main reasons for the imbalance in the statistics were failure to register many baby girls in some areas, contrary to government policy, the performance of selective abortion. To combat the problem the Government had drawn up a four-point policy which included: a mass media campaign to promote the principle of equality between men and women; the implementation of

legislation and improvement of policies to protect the rights of women and children; the adoption of legislation prohibiting the detection of the sex of the unborn child, with corresponding sanctions for violation; and improvements in population statistics.

46. The CHAIRPERSON suggested that, in replying to the Committee's remaining questions, the delegation should try to concentrate on how legislation was working in practice on official and unofficial monitoring of its efficacity and, in particular, on how effective implementation was guaranteed.

The meeting rose at 6.05 p.m.